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Thematic discussion on reform of the criminal justice system: achieving effectiveness and equity
United Nations standards and norms in crime prevention and criminal justice

Reform of the criminal justice system: achieving effectiveness and equity

Use and application of United Nations standards and norms, especially concerning juvenile justice and penal reform

Report of the Secretary-General**

* E/CN.15/2002/1.

** The submission of the report was delayed due to the time required to receive and analyse all inputs from various United Nations entities and other organizations.

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Summary

The present report of the Secretary-General was prepared for submission to the Commission on Crime Prevention and Criminal Justice at its eleventh session in response to various General Assembly and Economic and Social Council resolutions. It provides information on progress made in the use, application and further development of United Nations standards and norms in the field of crime prevention and criminal justice, as an important tool for the reform of criminal justice systems. The report includes new data on developments in penal reform and juvenile justice, thus providing an input to agenda item 3 entitled "Thematic discussion on reform of the criminal justice system: achieving effectiveness and equity" as well as to agenda item 4 entitled "United Nations standards and norms in crime prevention and criminal justice". As such, it should be read in conjunction with other relevant reports that are before the Commission on restorative justice (E/CN.15/2002/5 and Corr.1 and Add.1) on effective community-based crime prevention (E/CN.15/2002/4) as well as on the implementation of the United Nations Code of Conduct for Public Officials (E/CN.15/2002/14), the United Nations Declaration against Corruption and Bribery in International Commercial Transactions (E/CN.15/2002/6) and the United Nations Declaration on Crime and Public Security (E/CN.15/2002/11).

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I. Introduction

1. The present report has been prepared in response to Economic and Social Council resolutions 1992/22, section VII, of 30 July 1992, 1993/34, section III, of 27 July 1993, 1997/32 of 21 July 1997, and 1998/21 of 28 July 1998, concerning United Nations standards and norms in crime prevention and criminal justice, and in accordance with General Assembly resolutions 52/124 of 12 December 1997, 54/163 of 17 December 1999 and 56/161 of 19 December 2001 on human rights in the administration of justice, as well as Economic and Social Council resolutions 1997/30 of 21 July 1997 and 1999/28 of 28 July 1999 on the administration of juvenile justice, 1998/23 of 28 July 1998 on the reduction of prison overcrowding and alternative sentencing, 1999/26 of 28 July 1999 and 2000/14 of 27 July 2000 on basic principles on the use of restorative justice programmes, and 1999/27 of 28 July 1999 on penal reform, and in response to Commission on Crime Prevention and Criminal Justice resolution 9/1 concerning the thematic debate at the eleventh session and the recommendation of its tenth session.

2. The development and practical application of existing United Nations standards and norms has been of great concern to the Commission from the outset of its work, as reflected in Economic and Social Council resolutions 1992/22, section VII, and 1993/34, section III. The Commission may recall that the topic of United Nations standards and norms has been a standing item on its agenda, and that the Secretary-General submitted a report on the issue to the Commission at its tenth session, summarizing, inter alia, the results of the surveys concerning the implementation of the Basic Principles on the Role of Lawyers,[1] the Guidelines on the Role of Prosecutors[2] and United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) (General Assembly resolution 45/110, annex). That report (E/CN.15/2001/9) will be made available to the Commission

3. The Commission, at its tenth session, supported application of the standards and norms as an important means by which Governments could upgrade criminal justice administration, across sectors, improving professional performance, while safeguarding basic elements of human rights in an integrated manner. The Commission also stressed that the prevention and control of crime in all its forms should remain a central function of criminal justice systems and should not be suspended or underestimated in the light of the recent focus on "special" or "new" forms of crime such as corruption and organized crime.

4. At its tenth session, the Commission decided that the theme for its eleventh session would be "Reform of the criminal justice system": achieving effectiveness and equity. At its intersessional meeting held on 14 January 2002, the Commission agreed on the following sub-themes: "Reforming juvenile justice"; "Integrated criminal justice reforms, with particular emphasis on prosecutors, courts and prisons"; and "Strengthening international criminal justice cooperation".

5. Accordingly, the present report should be considered both under item 3 entitled "Thematic discussion on reform of the criminal justice system: achieving effectiveness and equity" and item 4 entitled "United Nations standards and norms in crime prevention and criminal justice". It provides updated information on the use and application of United Nations standards and norms contained in document E/CN.15/2001/9, and reviews their further development, particularly in the view of criminal justice reform. The report further offers an overview of the activities undertaken by the Secretariat, including the promotion of the standards, inter alia, by means of advisory services and technical assistance, training seminars and expert group meetings, and cooperation with other relevant entities. In pursuance of Economic and Social Council resolutions 1997/30, 1998/23, 1999/28 and 1999/27, the report provides information on juvenile justice and penal reform. Developments related to a number of other standards and norms are addressed in separate reports under agenda items 3 and 4.

II. Trends in criminal justice reform

6. Since its foundation, the United Nations has promoted the reform of criminal justice systems, drawing on the principles of the Charter of the United Nations and the International Bill of Human Rights. The decision in 1948 to establish an international group of experts on the prevention of crime and the treatment of offenders was inspired by the shared

belief that criminal justice systems in many parts of the world were in need of reform. For Member States, the United Nations Crime Prevention and Criminal Justice Programme offered a tool to help them in modernizing their criminal justice systems and to enhance their compliance with human rights instruments as a contribution to social justice. While maintaining the original focus on human rights and equity, standards and norms were increasingly also oriented towards enhancing the efficacy and efficiency of criminal justice systems, taking in particular into account the needs of developing countries and countries in transition through technical cooperation. That shift followed the growing realization that the administration of criminal justice had to be seen within a broader political, economical and social developmental context.

7. Four main currents can be identified in the work of the United Nations on standards and norms in the field of crime prevention and criminal justice: promotion of adherence to principles of human rights; upgrading of professional skills and formulation of a code of ethics for criminal justice practitioners; enhancement of international cooperation; and increasing concern for matters of public and urban security.

A. Human rights and criminal justice

8. From the outset, the protection of human rights has been the centerpiece of the work of the international community on criminal justice. At the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955, agreement was reached on the Standard Minimum Rules for the Treatment of Prisoners.[3] The increasing importance attached to human rights considerations in criminal justice, as originally exemplified by international and regional conventions on human rights, was reflected in the growing number of specific instruments on crime prevention and criminal justice subsequently adopted by the General Assembly, the Economic and Social Council and the United Nations congresses on the prevention of crime and the treatment of offenders. International instruments on the treatment of offenders followed, such as the Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) (General Assembly resolution 45/110, annex), as well as on juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (resolution 40/33, annex) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (resolution 45/112, annex). Those instruments built on the earlier Declaration on the Rights of the Child (resolution 1386 (XIV), and their provisions were taken into consideration in the elaboration of the Convention on the Rights of the Child (resolution 44/25, annex). In the 1980s, the scope of those efforts was extended to include the rights of victims of crime and abuse of power in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (resolution 40/34, annex). Following the Beijing Declaration[4] and Platform for Action[5], the Commission elaborated the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (resolution 52/86, annex). Concern over the question of capital punishment led to the formulation of the safeguards guaranteeing protection of the rights of those facing the death penalty (Economic and Social Council resolution 1984/50, annex) and related recommendations. The principles contained in those standards and norms were subsequently upheld in both national legislation and court practice in many countries.

B. Professionalism, including accountability

9. A second area of work focused on the development of standards for criminal justice professions, such as the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex), the Basic Principles on the Independence of the Judiciary,[6] and the Guidelines on the Role of Prosecutors.[2] That work reflected the need to pay more attention to recruitment, training, professional discipline and control as a result of the increase in the number of criminal justice practitioners in many countries.

C. International cooperation

10. A number of trends can be observed in international cooperation in criminal justice. First, the

amount and scope of international cooperation is expanding. The number of international, regional and bilateral agreements, as well as requests for mutual legal assistance in criminal justice cases, has been increasing. International cooperation was one of the core issues at the Eighth United Nations Congress in 1990. Model instruments, treaties such as the Model Agreement on the Transfer of Foreign Prisoners,[7] Extradition (General Assembly resolution 45/116, annex), Model Treaty on Mutual Assistance in Criminal Matters (resolution 45/117, annex) and the Transfer of Proceedings in Criminal Matters (resolution 45/118, annex) were developed with a view to facilitate worldwide international criminal justice collaboration. The adoption of the Convention against Transnational Organized Crime and the Protocols thereto (resolution 55/25) and the work on a new convention against corruption indicates a change in the approach of Member States and the United Nations, from recommendations and model regulations towards a harder attitude based on legally binding instruments. This further marks a shift from ad hoc cooperation to cooperation based more broadly on issues of policy and agreed-upon priority areas as demonstrated by various initiatives taken for example by the European Union, the Economic Community of West African States, the Association of South-East Asian Nations, the members of the Financial Action Task Force on Money Laundering, the Task Force on Organized Crime in the Baltic Sea Region and various other subregional groups. The new orientation is also reflected in the plans of action for the implementation of the Vienna Declaration on Crime and Justice (General Assembly resolution 56/261, annex). Second, so-called "fast track countries" have emerged. They try, in smaller groups of countries, to achieve international cooperation in criminal justice matters faster than may be agreeable to a broader and more heterogeneous group of countries. Third, there is a tendency towards more formal criminal justice cooperation, as the emphasis shifts from law enforcement cooperation to judicial cooperation.

D. Public and urban security

11. The relatively recent concern for public and urban security has emerged because of the growing role of urbanization in facilitating crime and requiring new crime prevention strategies and methods. At the same time, the technological development that goes along with urbanization also provides new tools for crime prevention and control. Countries are looking at the criminal justice system as an instrument to increase security and are searching for objective ways and means to evaluate the impact of criminal justice reforms on security, with due regard for other essential roles and values of criminal justice and for the problem of crime in rural and developing areas, which is increasing in many areas of the world.

III. Promoting the use and application of United Nations standards and norms

12. Over the years, Governments have repeatedly underlined the usefulness of the United Nations standards and norms in crime prevention and criminal justice in reforming domestic law and strengthening criminal justice institutions. Commonly agreed upon and internationally recognized principles contribute to the harmonization of national legislation and facilitate the elaboration of cooperation mechanisms in criminal justice matters among countries worldwide. Similarly, the principles and criteria, such as those in the respective model treaties, have proven to be of great value in the elaboration of new international instruments, such as the Convention against Transnational Organized Crime and the Protocols thereto, and the negotiation of a United Nations convention against corruption.

13. Promoting and disseminating existing standards and norms and reviewing their use and application is an essential part of the work of the Centre for International Crime Prevention. The Centre, within the limitations of the resources available, continued its efforts to enhance and focus its activities and to implement its mandates in this field in a cost-effective manner, taking into account the priorities of work as defined by its legislative bodies and the recommendations of the Committee for Programme and Coordination for a more balanced approach between combating international crime threats and promoting fair and efficient criminal justice systems (A/56/16, para. 185).

A. Vienna Declaration on Crime and Justice: a plan of action on standards and norms

14. In the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[8] States underlined the important role of the United Nations standards and norms in crime prevention and criminal justice. They committed themselves to endeavour, as appropriate, to use and apply the standards and norms in national law and practice.[9] The General Assembly, in its resolution 56/261 of 31 January 2002, paragraph 1, took note with appreciation of the plans of action for the implementation and follow-up of the Declaration. Section XIV of the plans of action on standards and norms recommends that States publish the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*[7] in the languages of their countries. At the international level, the action plan inter alia calls upon the Centre for International Crime Prevention to update the *Compendium*, promote the use and application of United Nations standards and norms through advisory services and technical cooperation, including assistance to Member States in criminal justice and law reform, training for law enforcement and criminal justice personnel and support to penal and penitentiary systems.

B. Technical assistance, training, seminars and information-sharing

15. The Centre pursued the promotion and dissemination of United Nations crime prevention and criminal justice standards and norms through advisory services and in the context of its technical assistance activities. The interregional advisors of the Centre use the standards and norms as parameters for their assessments. The standards serve as working tools during advisory missions, training activities, expert meetings and conferences, for example, in the series of training seminars for prosecutors, judges and law enforcement officials in Colombia, Croatia, Peru and Slovakia, which focused on transnational organized crime and corruption; at the regional seminar on facilitating the entry into force of the Convention against Transnational Organized Crime, held in Guatemala (E/CN.15/2001/CRP.4), and in seminars organized by the United Nations International Drug Control Programme (UNDCP) in Hungary and the Islamic Republic of Iran, to which the Centre contributed.

C. Coordination of activities and cooperation with non-governmental organizations: the importance of networking

16. The Centre continued its efforts to coordinate activities and cooperate with other United Nations entities and intergovernmental and non-governmental organizations. Further, it continued to work closely with the entities comprising the United Nations Crime Prevention and Criminal Justice Programme network.[10] The institutes comprising the network, within the scope of their respective mandates, have made valuable contributions to criminal justice reform. As reflected in the most recent report to the Commission (E/CN.15/2001/8), standards and norms figured prominently in the work of the institutes. Their activities related to corruption, victims, juvenile justice, penitentiary systems and alternatives, women and domestic violence, and international judicial cooperation.

17. Based on existing cooperative arrangements, and pursuant to the repeated requests by the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice, the Centre continued to collaborate with the Office of the High Commissioner for Human Rights, as well as with other relevant intergovernmental and non-governmental organizations. During the reporting period, cooperation focused both on standard-setting, particularly on topics linked to the Convention against Transnational Organized Crime and the Protocols thereto, and on issues related to field work and project implementation, including areas such as juvenile justice and trafficking in persons. The reports of the special rapporteurs on human rights and the Committee on the Rights of the Child reiterated the close link between the promotion and implementation of United Nations standards and norms in crime prevention and the promotion and respect for human rights. In the context of the work of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, the Office of the High Commissioner for Human Rights, along with several other United Nations entities, international organizations and

non-governmental organizations, repeatedly referred to existing United Nations standards and norms as an orientation for the formulation of provisions of the Convention and its Protocols.

18. Close cooperation with non-governmental organizations significantly helped in broadening dissemination of the standards and norms. Given the expertise and long-standing experience of many non-governmental organizations, including those organizations representing specific professional groups, the Centre consistently maintained close working relationships and made efforts to widen the range of cooperation.

19. The international concern about professionalism and accountability of prosecutors led to the adoption of the Guidelines on the Role of Prosecutors.[2] This was followed by the creation of the International Association of Prosecutors in 1995, an initiative that was actively supported by the Centre. Based on the United Nations Guidelines, the Association developed a set of standards of professional responsibility and a statement of the essential duties and rights of prosecutors that were adopted by the Association on 23 April 1999. These materials were used as reference in joint activities including a workshop on extradition and mutual legal assistance, and in other work of the Centre with the professional community. In 2001, the Centre and the Association elaborated a joint questionnaire seeking to collect information related to the ratification and implementation of the Convention against Transnational Organized Crime. The Association helped to disseminate the questionnaire to its members and will assist with collecting and analysing the replies. In providing pre-ratification assistance for the Convention, the Centre will take into account the replies received from the professional community of prosecutors, allowing it to respond more adequately to the requirements of various jurisdictions and to focus assistance on the practical needs of Member States.

D. Implementation of standards and norms

1. Corruption and public security: the results of the surveys

20. In its resolution 51/191 of 16 December 1996, the General Assembly adopted the United Nations Declaration against Corruption and Bribery in International Commercial Transactions. In its resolution 51/59 of 12 December 1996, annex, the Assembly adopted the International Code of Conduct for Public Officials. The Economic and Social Council, in its resolution 1998/21, requested the Secretary-General to prepare survey instruments on those instruments. Pursuant to that request, the Centre submitted two questionnaires to Governments in late 1999. The reports contained in documents E/CN.15/2002/6 and E/CN.15/2002/6/Add.1 summarize the replies provided by Member States to the questionnaires.

21. Further, the Global Programme against Corruption of the Centre contributed to promoting the application of United Nations standards and norms in the field of crime prevention and criminal justice through its activities at the policy and operational levels. It has developed and issued a series of academic and technical material, including a draft anti-corruption tool kit, and is revising a United Nations manual on anti-corruption policy, which integrates United Nations policy perspectives and precepts, including the above-mentioned instruments. The Global Programme against Corruption has conducted a series of field-level activities and organized a number of seminars on corruption, drawing on relevant United Nations standards and norms.

22. The General Assembly, in its resolution 51/60 of 12 December 1996, approved the United Nations Declaration on Crime and Public Security, annexed thereto. Pursuant to Economic and Social Council resolutions 1997/34 of 21 July 1997 and 1998/21, the Secretariat prepared a questionnaire on the use and application of the Declaration. An analysis of replies from Member States, intergovernmental organizations and the United Nations Crime Prevention and Criminal Justice Programme network is brought to the attention of the Commission in document E/CN.15/2002/11. With these three reports, the first cycle of reporting on the use and application of standards and norms as approved by the Commission can be considered completed.

2. Victims of crime

23. Standards on the protection of victims proved to be of great practical relevance in technical assistance projects that were aimed at improving the situation of victims of crime. A project carried out in the

Philippines by the global programme against trafficking in human beings included an analysis of the legal and practical situation of victims of trafficking in persons and proposals for legal and practical action. The United Nations standards, as well as the guide for policy makers (E/CN.15/1998/CRP.4) and the handbook on justice for victims (E/CN.15/1998/CRP.4/Add.1) were applied successfully as parameters in the assessment and were useful tools in formulating proposals for action at the national level.

24. In the context of a project on building non-governmental support structures for victims of violent crime and based on the experiences gained, the handbook on justice for victims will be updated, and a special manual on assistance for victims of trafficking will be drafted. The project will be executed in cooperation with the International Scientific and Professional Advisory Council.

3. Violence against women

25. A considerable part of human trafficking concerns trafficking in women, which can be considered a specific form of violence against women, including elements of power and control. The topic has been addressed by the Centre from that perspective at several international conferences and workshops, such as the Second Interpol Working Group Meeting on Trafficking in Women, 13-16 October 2001, The Hague; and the Second World Congress against Commercial Sexual Exploitation of Children, 17-20 December 2001, Yokohama, Japan.

4. Standards and norms in peacekeeping

26. United Nations criminal justice standards and norms continued to be used for guidance in the context of ongoing peacekeeping missions and in post-conflict reconstruction, offering orientation and a normative framework in establishing, re-establishing or strengthening criminal justice systems. The Centre contributed to those efforts by disseminating documentation, and it provided selected input to regional and national initiatives through the network of field offices of the United Nations Office for Drug Control and Crime Prevention (ODCCP) and UNDCP, as appropriate.

5. Publications, dissemination and information

27. Publications produced by the Centre on standards and norms continued to be used as important means of promoting the use and application of the standards. The Centre continued to use manuals and guidelines that it had developed as well as those published by other international and non-governmental organizations.[11] Recent publications and working papers of the Centre (see http://www.undcp.org/crime_cicp_publications.html) contain references to existing standards of the United Nations, regional instruments and national provisions. Most of the relevant standards, as well as a number of publications and selected reference material, are available through the web site of the Centre for International Crime Prevention (see http://www.undcp.org/crime_cicp_standards.html), which has been accessed by a considerable number of users (the site was accessed 59,813 times in 2001, with a download volume of 9.445 GB). Efforts are being made to make the publications and documents available in all of the official languages of the United Nations. The Centre also plans to publish an updated version of the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*.[7]

E. Use and application of standards and norms: reviewing the information-gathering system

28. At its seventh session, the Commission agreed on a standardized methodology for the gathering of information.[12] It gave in-depth consideration to both the types of questionnaires and the periodicity of reporting. The Secretariat has continued to examine the use and application of standards and norms and has reported to the Commission (E/CN.15/1999/6 and Corr.1 and E/CN.15/2001/9). Reports on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty (E/CN.15/2000/3 and E/CN.15/2001/10 and Corr.1) were before the Commission at its ninth and tenth sessions. The methodology for gathering of information was applied to selected standards and reports and was reported to the Commission accordingly.

29. The Commission, at its tenth session, initiated a discussion on the status and advancement of work on standard-setting and promoting and overseeing the use

and application of existing standards, including by information-gathering and survey processes.[13] It discussed a system of reporting on "clusters", using as a model the survey and research on the death penalty. Many speakers, in line with the proposed "clustered" approach, stated that all standards and norms in crime prevention and criminal justice had great value and potential in preventing or deterring conventional forms of crime. Speakers suggested that the work be continued following further the new "clustered" approach, the possibility of which could be further pursued after the eleventh session. Many speakers were of the view that the Secretary-General's proposals to consolidate, streamline and better rationalize reporting obligations were particularly valuable.

30. The current system of gathering data by surveying Member States using a separate questionnaire for each respective instrument may have outlived its purpose. It has significant cost implications for both Member States and the Secretariat, and the Commission, owing to time constraints and other pressing issues, is often not able to review in detail the various surveys being brought to its attention. A careful cost-benefit assessment seems to be called for before a new round of surveys is initiated. In such an assessment, consideration should also be given to the relationship between standards and norms and the newly adopted legally binding instruments, such as the Convention against Transnational Organized Crime and the Protocols thereto, and the upcoming convention against corruption. Monitoring or reviewing the implementation of those instruments will soon be the responsibility of separate bodies, such as the Conference of State Parties to the Convention against Transnational Organized Crime. To some extent, principles contained in United Nations standards and norms are incorporated in those instruments. At present, however, a large number of existing standards and norms in crime prevention and criminal justice will continue to serve as a basis for addressing crime prevention and criminal justice issues across the world.

31. Conceptually, the periodic overview of the use and application of standards and norms could look at cross-cutting aspects of all or several instruments, rather than at each individual instrument separately, using the clustered approach. Criteria for clustering could be selected based on both normative and operational considerations. Data gathering could focus, for example, on the application of all relevant standards and norms regarding international cooperation. Such a review would amount to a worldwide assessment of legal, institutional and practical arrangements for mutual legal assistance. Reviews could, alternatively, focus on standards and norms concerning cross-cutting normative aspects such as gender equality or integrity of criminal justice personnel. Still another possibility group existing standards and norms by thematic issues, which could be reviewed by using a shorter, consolidated version of the survey instrument. As a result, countries would be requested to respond to no more than one questionnaire per year. In practical terms, such an approach could allow a more focused and streamlined process of data-gathering and a more comprehensive overview.

32. Drawing on the results of the discussion and the proposals made on the use of standards and norms and taking into account recommendation 2 on monitoring of standards and norms contained in the triennial review of the Office of Internal Oversight Services (E/AC.51/2001/5, para.13), the Commission may wish to consider the most appropriate mechanism for reporting on the use and application of standards and norms.

F. New developments and challenges

33. In accordance with Economic and Social Council resolutions 1999/26 of 28 July 1999 and 2000/14 of 27 July 2000 concerning standards for restorative justice and mediation, many countries have begun to introduce alternative approaches in criminal justice systems. As reflected in the report on restorative justice (E/CN.15/2002/5), many States have paid particular attention to implementing restorative justice measures in their juvenile justice systems. It appears that juvenile justice is one of the areas where restorative processes will be most readily applied. The new interest in alternative dispute resolution stems from disillusionment with the potential of formal law systems to serve the needs of the parties involved and the community. The social merits of indigenous law traditions are being rediscovered, and elements of customary law are used as models for innovation. The issue of restorative justice was also the subject of a meeting of a group of experts that adopted revised draft elements of a declaration of basic principles on

the use of restorative justice programmes in criminal matters (E/CN.15/2002/5/Add.1).

34. Urban security continues to be a primary social problem in both developed and developing countries. Expanded investments in criminal justice systems have contributed to the reduction of violent and other conventional crime, most notably in several large cities. However, levels of crime remain at an unacceptable high level in many countries. In many urban areas, crime and violence diminish the quality of life of citizens and slow down economic activity. Prison populations continue to grow, even where crime rates are falling. Expenditures on prison administration have become a huge financial burden for many Governments. Countries with very large prison populations are also facing increasing problems with the constant stream of persons released from prison back to the community.

35. Against that background, there is growing understanding that crime prevention should not be the exclusive responsibility of criminal justice systems and that other public and private parties have an important role to play. That inclusive approach is reflected in the draft elements of responsible crime prevention, which were reviewed by an expert group meeting, held in accordance with Economic and Social Council resolution 2001/11 of 24 July 2001 on action to promote effective community-based crime prevention, leading to the development of new draft guidelines for the prevention of crime (E/CN.15/2002/4, annex II). The proposed text is before the Commission for consideration and action.

36. Governments and criminal justice systems face new challenges from emerging global crime threats such as transnational organized crime, trafficking in persons or illicit goods, laundering of illicit profits of crime, corruption and terrorism. To counter those threats, increased international cooperation in criminal justice is imperative. Procedures and mechanisms for mutual legal assistance will become indispensable operational tools in more and more criminal investigations and cases, and mechanisms for international cooperation must be strengthened and streamlined.

37. For smooth, expedient and effective criminal justice cooperation, adherence to internationally recognized human rights standards is a necessity. Countries facing global crime threats are in need of reliable and credible criminal justice counterparts who act both effectively and with due respect for human rights. United Nations standards and norms have been formulated in a way that ensures the respect and full integration of fundamental principles of human rights into these instruments. The reflection of human rights considerations in criminal justice instruments has increased the relevance of those instruments and made them more reliable and useful for Governments, the professional community and civil society. The array of instruments and mechanisms at the practitioner's disposal for such cooperation should now be reviewed, refocused and used more effectively.

38. The development of instruments on international criminal law has gained unprecedented momentum in recent years. Principles and provisions contained in existing United Nations standards and norms have been integrated into legally binding instruments. For example, several principles contained in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power have been incorporated in the laws and rules of international criminal tribunals, in the United Nations Convention against Transnational Organized Crime and in even greater detail in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (General Assembly resolution 55/25, annex II). It is expected that the work of the Ad Hoc Committee for the Negotiation of a Convention against Corruption will further codify existing standards of professional ethics of relevant professional groups. In short, the increased pressure on criminal justice systems to globalize their operations accelerates the transformation of existing soft law into legally binding conventions and protocols.

IV. Penal reform

39. For many countries, developed and developing countries alike, penal reform continues to be a priority issue on the agenda for criminal justice reform. That position was reflected in the responses of Member States concerning prison conditions and the establishment of alternatives to imprisonment, presented to the Commission at its eighth session (E/CN.15/1999/7, paras. 26-47) and the subsequent discussions by the Commission and the Tenth United Nations Congress on the Prevention of Crime and the

Treatment of Offenders. Several Member States took a similar position in their replies on the desirability and the means of establishing common principles on the use of restorative justice programmes in criminal matters, indicating that they applied restorative justice principles as an element to address the issue of prison overcrowding. The Economic and Social Council, in its resolution 1999/27 of 28 July 1999 on penal reform, took note of the Arusha Declaration on Good Prison Practice annexed to the resolution and urged Member States to take action to address problems of overcrowding of prisons and take measures to reduce the number of prisoners on remand, in accordance with the Kampala Declaration on Prison Conditions (Economic and Social Council resolution 1996/37, annex) and the Kadoma Declaration on Community Service (resolution 1998/23, annex I). It also recommended to Member States to consider conducting research on new approaches to penal and justice reform and the possible use of new modes of accessible justice for minor offences.

A. Comparative aspects of world prison populations

40. The issue of prisons and detention, and particularly prison overcrowding, transcends a number of areas addressed in the Vienna Declaration and the action plans, such as women, juveniles, victims of crime, protection of witnesses, prison health, pre-trial detention and restorative justice and alternatives to incarceration. It also affects related issues, including the management of prisoners convicted of organized crime, corruption and bribery, as well as the management and temporary detention of smuggled migrants, and, as appears to be the case in some countries, victims in cases of trafficking in persons.

41. Given the relevance of the discussions and conclusions of the Commission on the issue, the United Nations Crime Prevention and Criminal Justice Programme network organized a practical workshop on "World prison populations: Facts, trends and solutions", held on 10 May 2001 in conjunction with the tenth session of the Commission.[14] The workshop was provided with an in-depth analysis and interpretation of trends and issues relevant to all regions of the world with a focus on global prison populations and trends, based on the *World Prison Population List*[15] and the "World prison brief".[16] The workshop noted that there were over 8.5 million prisoners held in penal institutions throughout the world, either as pre-trial detainees (remand prisoners) or having been convicted and sentenced. While the statistical data, which indicated an average prison population of 140 prisoners per 100,000 population, were not alarming in themselves, the fact that prison populations grew in most countries, in all regions of the world, throughout the 1990s was a cause for serious concern. In some developed countries, growth during the period was as high as 40 per cent.

42. Of more concern than the increase in imprisonment rates themselves were the conditions that prevailed as a result of the increase. High prison populations led to prison overcrowding, which invariably led to a multitude of other problems, including decreased living space in prisons, resulting in poor hygiene and sanitation, difficulties with clothing and the quality and quantity of food, health problems and increased tension and violence amongst prisoners and violence against prison staff. Overcrowding also had a direct impact on prison administration, the same number of staff having to deal with a larger number of inmates, leading to less supervision and the weakened ability of institutions to engage in constructive programmes and activities conducive to reintegration.

43. The regional studies on Latin America, Asia and Africa indicated that prison overcrowding affected most, if not all, countries of those regions. However, prison population rates varied considerably between and within different regions of the world. The view was expressed that, until the problem of overcrowding was resolved, efforts to improve other aspects of prison reform were unlikely to have any meaningful impact. In many cases, the growth in imprisonment could not be explained by increasing crime rates alone. It was felt that the belief that imprisonment was preferable to the alternatives was still prevalent, and that the growth in imprisonment was mainly policy-driven.

44. In many countries, viable alternatives to imprisonment, such as those recommended in the United Nations Standard Minimum Rules for Non-custodial Measures, did not exist. Prison conditions led to situations where men, women, juveniles and in some cases children were subject to abuse, either directly or as an unintended consequence of severely overcrowded

facilities. In that context, the meeting discussed how prison administrators who were faced with an acute problem of overcrowding without corresponding resources could address the issue on a on a day-to-day basis.

45. All participants who made presentations agreed that overcrowding led to breaches of recognized international standards, which decreased the likelihood of prisoners being satisfactorily reintegrated into the community upon release.

46. For developed countries, the challenge related to the exorbitant amount of resources spent on imprisonment, while in many parts of the developing world, the challenge was to provide for the most basic human needs of prisoners.

47. The meeting also considered the issue of organized crime from the perspective of prison detention. Many institutions were ill-prepared to deal with the incarceration of members of organized criminal groups. In some cases, that led to creating an even more fertile ground for organized crime, creating pressure on staff and management, be it through threat or corruption. Correctional services, without adequate support and resources, were not able to develop the expertise required to properly address those issues. The meeting stressed the importance of keeping the issue of prisons and related international standards at the forefront of the crime prevention and criminal justice agenda.

B. The Vienna Declaration on Crime and Justice: plan of action on prison overcrowding and alternatives to incarceration

48. To implement and follow up on the commitments undertaken in paragraph 26 of the Vienna Declaration, section X of the plans of action recommends that States should endeavour to develop specific actions and time-bound targets at the national level to address prison overcrowding, including measures to reduce pre-trial detention, the introduction of alternatives to imprisonment, and the use of customary practice, mediation or the payment of civil reparations or compensation when dealing with minor offences. At the international level, the action plan calls for the inclusion of measures to reduce prison overcrowding into technical cooperation programmes and the promotion of actions on prison overcrowding and alternatives to incarceration that take also into account any disparate impact on women and men.

V. Juvenile justice

49. The Economic and Social Council, in its resolution 1999/28 of 28 July 1999, requested the Secretariat to report on the administration of juvenile justice as well as on the activities of the coordination panel on technical advice and assistance in juvenile justice. The information provided below gives an update to the report on juvenile justice reform that was submitted to the Commission at its ninth session (E/CN.15/2000/5). That report provided an overview of international instruments relating to juvenile justice, with emphasis on the roles, functions and activities of the partners concerned within the United Nations system and the machinery put into place. Progress achieved in advancing juvenile justice reform was discussed, reflecting technical assistance and other activities that had been carried out. Earlier reports to the Commission provided an analysis of the use and application of United Nations standards and norms in juvenile justice (E/CN.15/1998/8/Add.1) and regular information on the development and implementation of Guidelines for Action on Children in the Criminal Justice System (E/CN.15/1998/8), adopted by the Economic and Social Council in its resolution 1997/30 of 21 July 1997 (annex).

50. The issue of juvenile justice has been addressed at different levels by the Commission and the Tenth Congress and in subsequent resolutions by the Economic and Social Council and the General Assembly. The topic was debated in the context of the work of expert groups, particularly the one on restorative justice. Aspects of juvenile justice were further reflected in the elaboration of the Convention against Transnational Organized Crime and particularly the Protocol against Trafficking in Persons. Issues of juvenile justice were also addressed by the Centre and other United Nations entities through technical assistance activities.

A. Coordination panel on technical advice and assistance in juvenile justice

51. Pursuant to Economic and Social Council resolution 1997/30, the Secretary-General established a coordination panel on technical advice and assistance in juvenile justice to ensure a coordinated approach and to strengthen technical cooperation in the field of juvenile justice within the United Nations system. The panel includes the Centre for International Crime Prevention, the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the Committee on the Rights of the Child, as well as the international network on juvenile justice, an umbrella organization of non-governmental organizations. The panel held its first meeting on 25 and 26 June 1998 in Vienna and its second meeting from 20 to 21 March 2000 in New York.[17] The third meeting of the panel will be held in the spring of 2002. The United Nations Committee on the Rights of the Child, which pays consistent and systematic attention to the administration of juvenile justice, welcomed the establishment of the coordination panel.[18] Since the establishment of the panel, the Committee, in many of its concluding observations, has encouraged State Parties to the Convention on the Rights of the Child to consider seeking technical assistance from the member organizations of the panel, including the Centre. The work of the panel has had a concrete impact on the planning and implementation of projects and other activities carried out by the panel members, as described below.

B. Office of the High Commissioner for Human Rights

52. Activities of the Office of the High Commissioner for Human Rights in the field of juvenile justice range from those dealing generally with the administration of justice to those that focus on specific juvenile justice aspects. At the general level, the Office of the High Commissioner for Human Rights currently has technical assistance programmes in Burundi, Cambodia, Chad, Colombia, Croatia, East Timor, Madagascar and Yugoslavia on the administration of justice. The programmes include: training judges, lawyers, prosecutors, the police and prison officers; holding workshops; giving assistance and advice to States on the administration of justice; and monitoring of trials. The Office of the High Commissioner for Human Rights also provides the secretariat for the human rights treaty monitoring bodies that consider the administration of justice, in particular the Committee on the Rights of the Child, the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Committee against Torture, as well as to working groups and special rapporteurs of the Commission on Human Rights. In September 2000, the Committee on the Rights of the Child held a day of discussion on "State violence against children". In October 2001, the Committee adopted guidelines regarding the initial reports concerning the implementation of the Optional Protocol to the Convention on the involvement of children in armed conflict, which entered into force on 12 February 2002.

53. At the level of technical cooperation, the Office of the High Commissioner for Human Rights has initiated projects in the Philippines and Uganda. The Office of the High Commissioner for Human Rights and the Government of the Philippines signed a project document in 1999 to undertake a comprehensive reform of the juvenile justice system. The project provides assistance for developing juvenile justice legislation in conformity with international standards, elaborating internal procedures for professionals dealing with children in conflict with the law, training public authorities to promote the best interests of children, among others by developing specialized materials for train-the-trainer courses, and launching an information campaign to raise public awareness concerning the rights of the children in conflict with the law. Within the framework of the coordination panel on technical advice and assistance, the Office of the High Commissioner for Human Rights organized a training and strategy development workshop on juvenile justice in Jinja, Uganda from 23 to 26 October 2000.

C. United Nations Children's Fund

54. UNICEF undertakes projects on juvenile justice either on its own or in cooperation with other entities including the Office of the High Commissioner for Human Rights, UNDP, the Centre for International Crime Prevention, the World Health Organization and the International Red Cross and Red Crescent Society.

By the end of 2001, some 75 per cent of the UNICEF country offices were involved in juvenile justice projects. UNICEF has produced informal guidelines for its country offices designed to ensure that country projects conform to a human rights framework. UNICEF does not encourage its country offices to set up projects that focus on juvenile delinquency as such. UNICEF is of the view that the best way to avoid juvenile delinquency is through ensuring adequate promotion and protection of children's rights. Thus, it focuses on the avoidance of delinquency through the promotion of health, education and sanitation for children.

55. One main UNICEF concern in the area of juvenile justice is the problem of children deprived of their liberty. A UNICEF-sponsored study estimated that the number of children deprived of their liberty throughout the world is one million.[19] UNICEF considers the reduction of that high number to be a priority and has pursued three main strategies to address the issue. First, UNICEF has adopted strategies encouraging decriminalization and diversion. Strategies on decriminalization look at how children are deprived of their liberty. UNICEF has discovered that many children deprived of their liberty have never committed a crime; many of them are street children, vagrants and unaccompanied refugee children. Strategies on diversion examine ways to avoid involving children in the judicial system. Second, UNICEF has adopted strategies on restorative justice. UNICEF offers assistance to its counterparts by examining traditional mechanisms for child justice that are in accordance with the promotion and protection of children's rights. Third, UNICEF has adopted strategies on alternative options to judicial sanctions other than the deprivation of liberty, thus reflecting measures such as those recommended in the United Nations Standard Minimum Rules for Non-custodial Measures. UNICEF has carried out several projects in the area of juvenile justice in post-conflict situations, including in East Timor, Kosovo, Rwanda, Sierra Leone and Somalia. The UNICEF International Research Centre in Florence organized a seminar on "Juvenile justice in post-conflict situations" from 23 to 25 May 2001. UNICEF is also actively involved in assuring that children's rights are on the agenda and in the activities of the International Criminal Court and other national and international justice mechanisms dealing with war crimes, genocide and other crimes against humanity.

D. Technical assistance and other activities implemented by the Centre for International Crime Prevention

56. The Centre for International Crime Prevention has made strong efforts to address juvenile justice aspects in all relevant areas of work, particularly in its activities related to restorative justice and to the Convention against Transnational Organized Crime and the Protocols thereto, as described above. Nevertheless, the scope of activities of the Centre was limited by a number of factors. The request of the Commission on Crime Prevention and Criminal Justice and other legislative bodies for the Centre to focus on priority areas, including transnational organized crime, corruption and trafficking in persons, restricted the level of resources available. Technical assistance projects on juvenile justice, as described below, were subject to extrabudgetary funding.

57. In response to a request of the Government of Lebanon, a technical assistance project was launched in January 1999. The project, which is due to be completed in March 2002, aims at strengthening the legislative and institutional capacities of the juvenile justice system and formulating a strategy on the improvement of prison conditions for young offenders while ensuring that measures for protection, assistance and education prevail over penal sanctions. Existing legislation was strengthened, especially as regards the application of educational and alternative measures, recourse to conciliation procedures, and protection offered to juvenile victims of crime. A draft law was adopted by the Council of Ministers and by the Parliamentary Committee for Administration and Justice. The Parliament is expected to consider it in early 2002. With support from the project, the Youth Department, which plays a central coordinating role, established a standardized system for collecting data on juvenile offenders. The Centre assisted national authorities in establishing a youth police unit within the judicial police and in developing new training curricula on juvenile justice for staff of criminal justice agencies and other services. The project included: strengthening the administration in charge of the detention of juveniles at the central prison; reorganizing the current premises; strengthening current educational and vocational programmes; and assistance in designing a new rehabilitation and observation centre for juveniles convicted or on

remand. Finally, the Centre, in collaboration with the Ministry of Justice, undertook research on the extent of juvenile delinquency. A first report, assessing data from 1998, provides an analysis of the situation of juveniles in conflict with the law and the institutions dealing with juvenile delinquents. A follow-up report, based on data for 1999 and 2000, is being finalized.

58. In order to ensure a comprehensive reform of the penal system for minors, three main issues remain to be addressed: female minors in detention; prevention of delinquency; and recidivism. At the request of the national authorities, a follow-up project was elaborated in order to respond to those concerns. The aims of the project are: (a) to establish a specific institution for the detention of girls in conflict with the law; (b) to set up a youth care service responding to the Ministry of Justice as well as re-socialization programmes outside the prison context; and (c) to establish a protection section at the Youth Department of the Ministry of Justice and a judicial protection procedure for minors who have become victims of crime.

59. Based on the recommendations of a technical mission, undertaken at the request of the Ministry of Justice of Egypt, the Centre elaborated a project to provide assistance to the Government in its efforts to strengthen the legislative and institutional capacity of the country's juvenile justice system and improve the detention conditions of juvenile offenders. The aims of the project are: (a) to establish a youth council to function as a research and coordination unit; (b) to improve capacity-building; (c) to enhance safeguards in case work involving children at risk; and (d) to reinforce the national legislative provisions in respect of juveniles. The activities will contribute to efforts already made in some penal establishments to provide the social, educational and psychological framework necessary to re-socialize and re-educate juvenile offenders. Furthermore, the project will complement the interventions foreseen under the UNDCP project on drug demand reduction among street children in Cairo and Alexandria, which will set the ground for further activities in the areas of youth at risk and juvenile delinquency.

60. In South Africa, a three-year project on child justice was initiated in 1999, with the Department of Justice and Constitutional Development as the government cooperating agency. The United Nations agencies that are parties to the agreement are UNDP and the United Nations Office for Project Services, with the Centre for International Crime Prevention as an associated agency. The project is situated in the Directorate of Children of the Department of Justice. The inter-sectoral steering committee, which was established at the outset of the project, includes, in addition of eight national departments and offices, the Swiss Development Co-operation, UNDP, UNICEF and the Centre. The project is assisting the Government in the implementation of a new child justice system in accordance with articles 37 and 40 of the Convention on the Rights of the Child and other relevant international instruments such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, the Guidelines for the Prevention of Juvenile Delinquency, and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (General Assembly resolution 45/113 of 14 December 1990). The project seeks to assist the Government and the non-governmental sector in the development of adequate responses to young offenders by: (a) enhancing the capacity and the use of programmes for diversion and appropriate sentencing; (b) increasing the protection of young people in detention; (c) strengthening the implementation of child justice legislation; (d) raising awareness among professionals in the criminal justice system and the general public of the transformation regarding child justice; and (e) establishing an independent monitoring process. The project was developed in close cooperation with the coordination panel on technical advice and assistance in juvenile justice, which, in view of the very promising interim results, is considering making it the basis for the formulation of guidelines for the development and implementation of juvenile justice.

E. Activities of non-governmental organizations: International Network on Juvenile Justice

61. Following the recommendations made during the most recent meeting of the coordination panel, the International Network on Juvenile Justice, an umbrella structure of non-governmental organizations participating in the work of the coordination panel, co-organized juvenile justice training with the Office of the High Commissioner for Human Rights in Uganda in October 2000. Other activities included the

provision of expertise in the context of UNICEF activities in The former Yugoslav Republic of Macedonia, and participation in a juvenile justice training for professionals from Malawi, Nepal, Uganda and the United Republic of Tanzania, organized by the Danish Centre for Human Rights. The Network cooperates with other non-governmental organizations through a subgroup on juvenile justice and child caucus groups, and addresses juvenile justice issues at sessions of the Commission on Crime Prevention and Criminal Justice, the Commission on Human Rights, the Committee on the Rights of the Child, and the Committee against Torture. The Network developed a number of information tools, including a web site, a newsletter and a juvenile justice discussion list. In 2001, the Network compiled and analysed the concluding observations of the Committee on the Rights of the Child under the title "Juvenile justice, 'the unwanted child' of State responsibilities". The Network also organizes international panel discussions, of which the most recent one was held at the Second World Congress against Commercial Sexual Exploitation of Children, held in Yokohama, Japan, 17-20 December 2001.

F. Juvenile justice aspects in the Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

62. The United Nations Convention against Transnational Organized Crime, dealing primarily with the activities of organized criminal groups, does not explicitly raise juvenile justice issues. However, during the negotiations of the Convention, the need was felt for several of its provisions to be consistent with standards and norms on juvenile justice. Provisions such as those on assistance and protection of victims (art. 25) and the protection of witnesses (art. 24), for example, apply equally to witnesses and victims of all ages. Further, concerns were expressed about the recruitment of young people into organized criminal groups and about the vulnerability of particular social groups, including young people, to the direct and indirect consequences of organized crime. That concern is reflected in the provision dealing with prevention (art. 31), which refers to "projects aimed at the prevention of transnational organized crime for example by alleviating the circumstances that render socially marginalized groups vulnerable to the action of transnational organized crime".

63. The Protocol to Prevent, Suppress and Punish Trafficking in Persons takes account of the fact that many victims of trafficking are children, defined by the instrument as any person under 18 years of age, and that victims are often exploited in ways that also make them offenders under the laws of the countries to which they are trafficked. In cases where the victim is under 18 years of age, the offence of trafficking applies more broadly. The recruitment, transportation, transfer, harbouring or receipt of a child constitute trafficking even if the use of illicit means such as coercion, abduction or abuses of power, which must be established as elements of the offence where adult victims are involved, are not used. The Protocol's reactive criminal justice elements are balanced against provisions that support and assist victims, recognizing that the victims of trafficking, including children, are particularly vulnerable to abuses such as the risk of being re-victimized. States Parties are required to consider measures to promote the recovery of victims that take into account the special needs of children and to protect victims, especially women and children, against re-victimization. The provisions of the Protocol that deal with the training of officials also include training in protecting the rights of victims and in the need to protect them against traffickers, and indicate that training methods should take into account child- and gender-sensitive issues.

G. Vienna Declaration on Crime and Justice: plan of action on juvenile justice

64. Section XII of the plans of action for the implementation of the Vienna Declaration addresses juvenile justice. It calls on States to support the development of juvenile-specific crime prevention practices that take account of the vulnerability of juveniles to criminal recruitment, including timely assistance to juveniles in difficult circumstances. It also calls for strengthening juvenile justice systems, promoting the re-education and rehabilitation of juvenile offenders and increasing the involvement of

civil society in efforts to prevent juvenile crime. At the international level, the action plan calls upon the Centre to develop technical cooperation projects in the field of juvenile justice, to assist States in their implementation and to ensure effective cooperation among relevant United Nations agencies and other relevant organizations.

VI. Concluding remarks and proposals for action by the Commission

A. Reform of the criminal justice system: achieving effectiveness and equity

65. During the thematic discussion on reform of the criminal justice system: achieving effectiveness and equity (item 3 of the provisional agenda), the Commission may wish to discuss criminal justice reform in its full range, giving special attention to the subthemes: reforming juvenile justice; integrated criminal justice reforms, with particular emphasis on prosecutors, courts and prisons; and strengthening international criminal justice cooperation. In that context, the Commission may also wish to consider the role of technical assistance and cooperation in support of criminal justice reform, among others in the framework of peacekeeping and post-conflict reconstruction.

66. It is expected that, during the thematic discussion, presentations will be made on ongoing technical assistance projects, for instance on juvenile justice. Experts will be invited from countries where comprehensive criminal justice reform has been carried through. Special attention will also be given to recent developments in cooperation at the regional level. On the basis of the discussion, the Commission may wish to consider proposals for the promotion of criminal justice reform, for example through technical assistance and advisory services, the collection and dissemination of data on the use and application of standards and norms, and examples of good practice.

B. Strengthening the dissemination and application of standards and norms in crime prevention and criminal justice

67. The Commission, taking into account the considerations of the Committee for Programme and Coordination on striking a balanced approach between combating international crime threats and promoting fair and efficient criminal justice systems (A/56/16, para. 185), may wish to consider realistic and practical modalities of more effective international cooperation efforts that would also contribute to improving and further advancing the application of United Nations standards and norms.

68. Previous deliberations and discussions by the Commission have established that effective implementation can be achieved only through the wide dissemination and promotion of the United Nations standards and norms at the international, regional and national levels. Pursuant to Economic and Social Council resolutions 1996/16 and 1998/21, measures should be taken towards further improving the efficacy of their use and application through advisory services, expert group meetings, training seminars, the preparation of training materials, the updating of existing manuals, and the development of "best practice tool kits". The Commission may further wish to recommend the extended use of new technologies in the dissemination of standards and norms and related documentation, as well as support to Member States to facilitate access through such media.

C. Improving the review of the use and application of standards and norms on crime prevention and criminal justice

69. A standardized methodology for gathering information on the use and application of the standards has applied over several years to selected standards, and reports to the Commission have been prepared accordingly. The Commission may wish to consider on how best to review the use and application of the standards and norms, taking into account its earlier deliberations and decisions on the methodology, including the scope and periodicity of reporting, criteria for benchmarking and use of a "clustered" approach. In its considerations, the Commission may wish to take into account the results achieved in the

completion of the first reporting cycle, as well as the following additional options to strengthen its role in taking informed decisions based on reliable and comprehensive information:

(a) Calling upon the Secretariat to hold an expert group meeting to review the present system of examining and reporting on the use and application of existing standards and norms, based on an overview of work advanced, to assess the advantages and difficulties to be expected in using a "clustered" approach, and to report thereon to the Commission at its twelfth session, drawing also on concrete proposals to be made by the Secretariat;

(b) Evaluating the results achieved and the progress made in the application of existing standards and norms with a view to re-orienting activities towards a more focused technical assistance programme for criminal justice reform by the Centre for International Crime Prevention and the United Nations Crime Prevention and Criminal Justice Programme network, in line with the action plans for the implementation of the Vienna Declaration on Crime and Justice.

D. Developing new standards

70. The Commission may wish to discuss and adopt the new draft instruments on restorative justice and crime prevention and recommend that Member States disseminate them and promote their widest use and application.

E. Penal reform

71. In line with the plan of action for the implementation of the Vienna Declaration on Crime and Justice, section X on prison overcrowding and alternatives to incarceration, the Commission may wish to reiterate its call upon Member States to take action to address the issue of prison overcrowding and alternatives to imprisonment, following up on the recommendations contained in Economic and Social Council resolution 1999/27 on penal reform, and to apply the principles contained in the Arusha Declaration on Good Prison Practice. The Commission may also wish to call upon the Centre for International Crime Prevention to provide assistance in the form of advisory services, needs assessments, capacity-building, training or other assistance to States, upon request, to enable them to improve prison conditions, reduce prison overcrowding and increase reliance on alternatives to imprisonment.

F. Strengthening juvenile justice

72. In line with the plan of action for the implementation of the Vienna Declaration on Crime and Justice, section XII on juvenile justice, the Commission may wish to advise specifically on ways of strengthening cooperation with the other relevant partners, in particular other members of the coordination panel on technical advice and assistance in juvenile justice, established in line with the Guidelines for Action on Children in the Criminal Justice System in order to, among other things, follow up on the recommendations made by the Committee on the Rights of the Child on juvenile justice matters.

73. The Commission may further wish to recommend that the Centre for International Crime Prevention continue, in cooperation with other entities, to develop and carry out projects to prevent youth crime, to strengthen juvenile justice systems and to improve the rehabilitation and treatment of juvenile offenders, and to continue to promote children's rights through the three global programmes.

G. Increasing technical cooperation measures

74. In line with, and in order to ensure implementation of the relevant sections of, the plans of action for the implementation of the Vienna Declaration on Crime and Justice, the Commission may wish to call upon Member States to make available additional funds for technical cooperation measures geared towards the further use and application of United Nations standards and norms in crime prevention and criminal justice.

H. Enhancing cooperation and coordination of activities

75. The Commission may wish to consider ways to further improve cooperation and coordination between

the Centre for International Crime Prevention and the Office of the High Commissioner for Human Rights with the aim of reinforcing the existing collaboration in the implementation of their respective programmes, and to strengthen collaborative ties with UNICEF and other relevant intergovernmental and non-governmental organizations.

Notes

[1] *Eighth Untied Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.3, annex.

[2] *Eighth United Nations Congress* ..., chap. I, sect. C.3, annex.

[3] See *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A.

[4] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.

[5] Ibid., annex II.

[6] *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.

[7] United Nations publication, Sales No. E.92.IV.1 and corrigendum.

[8] *Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Vienna, 10-17 April 2000: report prepared by the Secretariat* (United Nations publication, Sales No. E.00.IV.8), chap. I.

[9] *Tenth United Nations Congress* ..., para. 22.

[10] The United Nations Crime Prevention and Criminal Justice Programme network consists of the Centre for International Crime Prevention and a number of interregional and regional institutes around the world, as well as specialized centres. It has been developed to assist the international community in strengthening international cooperation in the crucial area of crime prevention and criminal justice. Its components provide a variety of services, including exchange of information, research, training and public education. The members of the network include: Centre for International Crime Prevention, United Nations Interregional Crime and Justice Research Institute (UNICRI), Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Latin American Institute for the Prevention of Crime and the Treatment of Offenders, European Institute for Crime Prevention and Control, affiliated with the United Nations, African Institute for the Prevention of Crime and the Treatment of Offenders, Australian Institute of Criminology, International Centre for Criminal Law Reform and Criminal Justice Policy, International Institute of Higher Studies in Criminal Sciences, Naif Arab Academy for Security Sciences, National Institute of Justice of the United States Department of Justice, Raoul Wallenberg Institute of Human Rights and Humanitarian Law, International Centre for the Prevention of Crime and International Scientific and Professional Advisory Council.

[11] Examples are the guide for policy makers on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (E/CN.15/1998/CRP.4); the handbook on justice for victims on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (E/CN.15/1998/CRP.4/Add.1); the model strategies and practical measures on the elimination of violence against women in the field of crime prevention and criminal justice (E/CN.15/1999/CRP.8), United Nations, *Strategies for Confronting Domestic Violence: a Resource Manual* (ST/CSDHA/20); *Basic Education in Prisons* (United Nations publication, Sales No. 95.IV.3); and *Making Standards Work: an International Handbook on Good Prison Practice* (Penal Reform International, The Hague, 1995).

[12] See, in this connection, the report of the Commission on Crime Prevention and Criminal Justice on its seventh session (*Official Records of the Economic and Social Council, 1998, Supplement No. 10*) (E/1998/30), annex IV.A, as well as the report of the Secretary-General on the use and application of United Nations standards and norms in crime prevention and criminal justice (E/CN.15/1998/8 and Add.1).

[13] Report of the Commission on Crime Prevention and Criminal Justice on its tenth session (*Official Records of the Economic and Social Council, 2001, Supplement No. 10*) (E/2001/30/Rev.1), part one, chap. VI.B.

[14] For the full report of the meeting see B. Tkachuk and R. Walmsley, "World prison population: Facts, trends and solutions", *HEUNI Papers No. 15*, 2001. This report, the background paper and the eight technical papers presented during the workshop are available on

UNICRI's web site: http://www.unicri.it/news/default.htm

[15] R. Walmsley, research findings No. 88, No.116 and 166 (London, Home Office Research, Development and Statistics Directorate 1999, 2000 and 2002).

[16] The "World prison brief" is available on the Internet (www.prisonstudies.org); it is produced at the International Centre for Prison Studies, King's College, London.

[17] For details on the first meeting of the coordination panel, see the reports of the Secretary-General on the use and application of United Nations standards and norms in crime prevention and criminal justice (E/CN.15/1998/8 and Add.1, paras. 19 to 23, and E/CN.15/1999/7, para. 25) and for the second meeting the report of the Secretary-General on juvenile justice reform (E/CN.15/2000/5, para. 24).

[18] See the report of the Committee on the Rights of the Child (A/55/41, I B). For more details on the functioning of the Committee and the relationship between its work and the coordination panel, see the report of the Secretary-General on juvenile justice reform (E/CN.15/2000/5, paras. 14-22).

[19] *Enfants privés de Liberté, Droits et Réalités* (Liège, United Nations Children's Fund, 2000). Children in this study are defined as persons under the age of 18 years.